

United States Court of Appeals
For the Eighth Circuit

No. 13-2071

Eric Mel Thompson; Katie Beglin, formerly known as Katie Thompson; Delores Thompson

Plaintiffs - Appellants

v.

John Ault, Warden; William Sperfslage, Deputy Warden; Deb Nichols, Security Director; Paul Gager, Administrative Law Judge; Ron Mower, Investigator; Kent Ruby; Darin Gentry, Correction Officer; LaDonna Wilcox, Correction Officer; Nikki Eaves, Mailroom Staff; Cindy Phillips, Mailroom Staff; Sheryl Lockwood; Dave DeGrange; Jerry Burt; Nick Ludwick; Randy Van Wye; Michael Savala; Phillip Eaves

Defendants - Appellees

Appeal from United States District Court
for the Southern District of Iowa - Des Moines

Submitted: March 18, 2014

Filed: April 14, 2014

[Unpublished]

Before BYE, GRUENDER and SHEPHERD, Circuit Judges.

PER CURIAM.

Eric Mel Thompson, an Iowa inmate, his mother Delores Thompson, and his daughter Katie Beglin appeal the district court's¹ adverse grant of summary judgment in their 42 U.S.C. § 1983 action. We affirm.

First, we do not consider appellants' challenges to orders issued by a magistrate judge for which they did not seek review by the district court. See Fed. R. Civ. P. 72(a). Second, upon de novo review, we conclude summary judgment was warranted. See Montin v. Estate of Johnson, 636 F.3d 409, 412 (8th Cir. 2011) (standard of review). Viewing the admissible evidence before the district court in the light most favorable to appellants, the prison rule at issue was not unconstitutional on its face and was not unconstitutional as applied to Eric's conduct. See Beaulieu v. Ludeman, 690 F.3d 1017, 1039 (8th Cir. 2012) (analysis of First Amendment facial challenge to prison rule); Kaden v. Slykhuis, 651 F.3d 966, 969 (8th Cir. 2011) (per curiam) (analysis of First Amendment as-applied challenge to prison regulation); Phillips v. Norris, 320 F.3d 844, 848 (8th Cir. 2003) (analysis of inmate's equal protection claim).

The judgment of the district court is affirmed. See 8th Cir. R. 47B. Appellants' five pending motions are denied.

¹The Honorable Robert W. Pratt, United States District Judge for the Southern District of Iowa.